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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,521	09/10/1999	NAOYUKI MATSUMOTO	35.G0708C/D2	4346
5514	7590	03/24/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			POKRZYWA, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/394,521	MATSUMOTO, NAOYUKI	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 25-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/6/06 has been entered.

Response to Amendment

2. Applicant's amendment was received on 1/6/06, and has been entered and made of record. Currently, **claims 25-32** are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 25-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita *et al.* (U.S. Patent Number 5,021,892, cited in the Office action dated 6/22/05) in view of Maruo *et al.* (U.S. Patent Number 4,999,654).

Regarding *claim 25*, Kita discloses a method of controlling a data communication apparatus (facsimile 1) in a data processing system (see Figs. 1 and 3) that includes the data communication apparatus (facsimile 1) and a host computer (personal computer 8) connected to the data communication apparatus by an interface (bi-directional parallel interface unit 5, column 3, lines 28-53), with the method comprising a communication step for communicating commands from the host computer to the data communication apparatus through an interface (see Figs. 6, and 8a-8e, being a reception from the host at numeral “2”, shown at step S200 in Fig. 9 as the station request command), wherein the data communication apparatus (see Figs. 1 and 3) is comprised of units including at least a scanner unit (image scanner 2), a printer unit (image printer 3) and a storage unit (RAM 52), a checking step for checking, upon receipt of the commands, each of the statuses corresponding to each of the scanner unit, printer unit and storage unit of the data communication apparatus (step S201 in Fig. 9, column 13, lines 56-66, and column 15, line 51-column 16, line 17), and a notification step for notifying the host computer of the statuses of each of those units discretely (step S202 in Fig. 9, column 16, lines 1-6).

However, Kita fails to expressly disclose if the status indicates whether at least each of the scanner unit and the printer unit is in a normal or abnormal state and indicates a cause of an abnormality in a case where the status of the scanner unit or the printer unit is in an abnormal state.

Maruo discloses a method of controlling a data communication apparatus in a data processing system (see abstract) that includes the data communication apparatus (image forming device 4) and a host computer (host system 1, see Figs. 1-6), the data communication apparatus

and the host computer being connected to each other through an interface (see Figs. 1-6), with the method comprising a command step of communicating commands from the host computer to the data communication apparatus through an interface (see Figs. 1-6), wherein the data communication apparatus is comprised of a plurality of units (see Figs. 1-8), a checking step of checking, upon receipt of the commands, a status of each of the units of the data communication apparatus (see Figs. 21A-22B), wherein the status indicates whether at least each of the units is in a normal or abnormal state (see Figs. 21A-22B), and indicates a cause of an abnormality in a case where the status of the units is in an abnormal state (see Figs. 21A-22B), and a notification step of notifying the host computer of a checked status of each of those units discretely (column 19, line 34-column 21, line 42).

Kita & Maruo are combinable because they are from the same field of endeavor, being systems that allow external computers to monitor the status of multifunction devices. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the status indication of Maruo in the system of Kita, therein teaching that the status indicates whether at least each of the scanner unit and the printer unit is in a normal or abnormal state and indicates a cause of an abnormality in a case where the status of the scanner unit or the printer unit is in an abnormal state. The suggestion/motivation for doing so would have been that Kita's system would become more user-friendly, as the user would be alerted of the status of an error and a location, so as to conduct the appropriate action, as recognized by Maruo in column 1, line 57-column 2, line 21. Therefore, it would have been obvious to combine the teachings of Maruo with the system of Kita to obtain the invention as specified in claim 25.

Regarding *claim 26*, Kita and Maruo disclose the method discussed above in claim 25, and Kita further teaches that the notification step notifies the host computer of operating conditions comprising a change in status or internal state of the data communication apparatus (column 13, lines 56-66, and column 15, line 51-column 16, line 17).

Regarding *claim 27*, Kita and Maruo disclose the method discussed above in claim 25, and Kita further teaches that the notification step notifies the host computer of the operating conditions in accordance with a command from the host computer (see Fig. 9, column 15, line 62-column 16, line 17).

Regarding *claim 28*, Kita and Maruo disclose the method discussed above in claim 25, and Kita further teaches that the data communication apparatus is included in a facsimile apparatus (see Figs. 1 and 3, column 3, lines 28-53).

Regarding *claim 29*, Kita discloses a method of controlling a data communication apparatus (facsimile 1) in a data processing system (see Figs. 1 and 3) that includes the data communication apparatus (facsimile 1) and a host computer (personal computer 8), the data communication apparatus and the host computer being connected to each other through an interface (bi-directional parallel interface unit 5, column 3, lines 28-53), and the data communication apparatus (facsimile 1) being able to communicate with another device through a network without using the interface (via telephone line 4a, column 3, lines 28-53, and column 6, lines 6-19), the method comprising a command step of communicating commands from the host computer to the data communication apparatus through an interface (see Figs. 6, and 8a-8e, being a reception from the host at numeral “2”, shown at step S200 in Fig. 9 as the station request command), wherein the data communication apparatus (see Figs. 1 and 3) is comprised

of units including at least a scanner unit (image scanner 2), a printer unit (image printer 3) and a communication unit for communicating with the other device through the network (fax control unit 4), a checking step of checking, upon receipt of the commands, a status of each of the units of the data communication apparatus (step S201 in Fig. 9, column 13, lines 56-66, and column 15, line 51-column 16, line 17), and a notification step of notifying the host computer of a checked status of each of those units discretely (step S202 in Fig. 9, column 16, lines 1-6).

However, Kita fails to expressly disclose if the status indicates whether at least each of the scanner unit and the printer unit is in a normal or abnormal state and indicates a cause of an abnormality in a case where the status of the scanner unit or the printer unit is in an abnormal state.

Maruo discloses a method of controlling a data communication apparatus in a data processing system (see abstract) that includes the data communication apparatus (image forming device 4) and a host computer (host system 1, see Figs. 1-6), the data communication apparatus and the host computer being connected to each other through an interface (see Figs. 1-6), with the method comprising a command step of communicating commands from the host computer to the data communication apparatus through an interface (see Figs. 1-6), wherein the data communication apparatus is comprised of a plurality of units (see Figs. 1-8), a checking step of checking, upon receipt of the commands, a status of each of the units of the data communication apparatus (see Figs. 21A-22B), wherein the status indicates whether at least each of the units is in a normal or abnormal state (see Figs. 21A-22B), and indicates a cause of an abnormality in a case where the status of the units is in an abnormal state (see Figs. 21A-22B), and a notification

step of notifying the host computer of a checked status of each of those units discretely (column 19, line 34-column 21, line 42).

Kita & Maruo are combinable because they are from the same field of endeavor, being systems that allow external computers to monitor the status of multifunction devices. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the status indication of Maruo in the system of Kita, therein teaching that the status indicates whether at least each of the scanner unit and the printer unit is in a normal or abnormal state and indicates a cause of an abnormality in a case where the status of the scanner unit or the printer unit is in an abnormal state. The suggestion/motivation for doing so would have been that Kita's system would become more user-friendly, as the user would be alerted of the status of an error and a location, so as to conduct the appropriate action, as recognized by Maruo in column 1, line 57-column 2, line 21. Therefore, it would have been obvious to combine the teachings of Maruo with the system of Kita to obtain the invention as specified in claim 29.

Regarding *claim 30*, Kita and Maruo disclose the method discussed above in claim 29, and Kita further teaches that the notification step notifies the host computer of a model type and a model version in one set (see Figs. 4 and 5, and column 8, lines 5-48).

Regarding *claim 31*, Kita and Maruo disclose the method discussed above in claim 29, and Kita further teaches that the data processing apparatus is included in a facsimile apparatus (see Figs. 1 and 3, column 3, lines 28-53).

Regarding *claim 32*, Kita and Maruo disclose the method discussed above in claim 25, and Maruo further teaches that the data communication apparatus further comprises a storage unit for storing a plurality of files (column 8, line 41-column 9, line 57), and the checking step

includes checking the status of the storage unit and the notification step includes notifying the host computer of the checked status of the storage unit of the data communication apparatus (see Figs. 5, 6, and 21A-22B).

Kita & Maruo are combinable because they are from the same field of endeavor, being systems that allow external computers to monitor the status of multifunction devices. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the status indication of Maruo in the system of Kita, therein teaching that the status indicates whether at least each of the scanner unit and the printer unit is in a normal or abnormal state and indicates a cause of an abnormality in a case where the status of the scanner unit or the printer unit is in an abnormal state. The suggestion/motivation for doing so would have been that Kita's system would become more user-friendly, as the user would be alerted of the status of an error and a location, so as to conduct the appropriate action, as recognized by Maruo in column 1, line 57-column 2, line 21. Therefore, it would have been obvious to combine the teachings of Maruo with the system of Kita to obtain the invention as specified in claim 32.

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Kotabe (U.S. Patent Number 5,170,265) discloses a image forming apparatus; and

Ono (U.S. Patent Number 5,696,894) discloses a printing system.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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jrp

